

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1281 OF 2007

Rajan Ramchand Gera	Petitioner
versus	
Radha Niwas Co-op. Housing Society Ltd. and others	Respondents

Mr.Vijay Patil i/by V.Y.Jadhav for petitioner.
Mr.Gabriel Pillai for respondent no.1.
Ms.Vaidehi Mhaispurkar, AGP for respondents 3 and
5.

CORAM : A.S.OKA, J.

DATE : 17th April 2007

PC :

1. Heard advocate appearing for the petitioner and advocates for the respondents. It is not in dispute that Revision Application No.707 of 2006 filed by the petitioner before the Divisional Joint Registrar of Co-operative Societies is pending. It is stated that the arguments are heard and the judgment has been reserved. The reason for filing the present petition is the dispute raised by the Divisional Joint Registrar as to whether the petitioner has deposited 50% of the amount due and payable in compliance with sub section 2A of Section 154 of the Maharashtra

Co-operative Societies Act, 1960. The question is whether a credit for a sum of Rs.77,493/- deposited by the petitioner on behalf of his brother at the time of filing earlier revision application was given or not?

2. Whether there is a compliance with the statutory provision of compulsory deposit or not is the question to be decided by the Divisional Joint Registrar. If he is of the view that compliance has not been made by the petitioner, he will place the revision application for further hearing on this aspect. As the revision application is pending, this writ petition need not be kept pending.

3. Hence, the writ petition is disposed of by directing that the Revision Application No.707 of 2006 shall be decided by the Divisional Joint Registrar within a period of eight weeks from today. It will be open for the Divisional Joint Registrar to fix a date for further hearing on the question of compliance with Sub section 2A of Section 154 of the said Act of 1960. Till disposal of the revision application, the ad-interim order passed by this Court on 28th February 2007 will continue to operate.

MST

4. All contentions in the pending revision application on merits are expressly kept open. All concerned to act on an ordinary copy of this order duly authenticated by Registry of this Court.

(A.S.OKA, J.)